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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,543	03/27/2006	Danut Bogdan	2003P13768	7334
24131 7590 05/18/2007 LERNER GREENBERG STEMER LLP P O BOX 2480 HOLLYWOOD, FL 33022-2480			EXAMINER CRUZ, LESLIE PILAR	
			ART UNIT 2826	PAPER NUMBER
			MAIL DATE 05/18/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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# Office Action Summary

Application No.

10/573,543

Applicant(s)

BOGDAN ET AL.

Examiner

Leslie P. Cruz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 10-12 and 14-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-12, 14, 15 and 19-22 is/are rejected.
- 7) ☒ Claim(s) 16-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

*Minhloan Tran*  
**Minhloan Tran**  
**Primary Examiner**  
**Art Unit 2826**

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Acknowledgements***

The amendment filed on 21 February 2007 in response to the Office Action mailed on 17 November 2006 has been entered. The present Office Action is made with all the suggested amendments being fully considered. Accordingly, pending in this Office Action are claims 10-12 and 14-22.

### ***Drawings***

The drawings filed on 21 February 2007 are acceptable.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

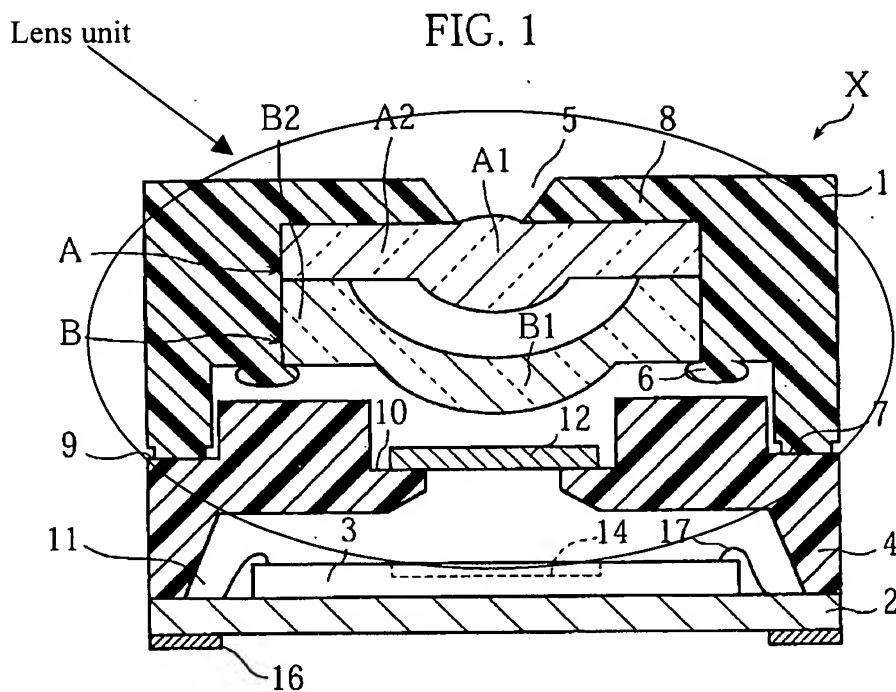
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 10-11, 14-14, 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujimoto et al. (US 2004/0109079 A1), hereinafter Fujimoto.

With respect to claim 10, Figs. 1 and 4 of Fujimoto discloses an optical module comprising: a circuit carrier [2]; a semiconductor element disposed in a housing [4] disposed on the circuit carrier, the housing of the semiconductor element, at least in sections thereof, having a support [9] formed thereon; and a lens unit [see figure below] configured for projecting

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electromagnetic radiation onto the semiconductor element, said lens including a base lens [1]; wherein the semiconductor element and the lens unit are formed in two parts, and the lens unit is supported on the base lens and the base lens [bottom of 1] is supported on and indirect contact with the support formed on the housing of the semiconductor element.



With respect to claim 11, Fujimoto discloses the optical module according to claim 10.

Figs. 1 and 4 of Fujimoto discloses the support is formed to be substantially tilt-free.

With respect to claim 14, Fujimoto discloses the optical module according to claim 10.

Figs. 1 and 4 of Fujimoto discloses the base lens includes a surface section [7] formed to correspond to the support, at least in sections thereof, and wherein the surface section is positioned on the support formed on the housing of the semiconductor element.

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With respect to claim 15, Fujimoto discloses the optical module according to claim 10. Figs. 1 and 4 of Fujimoto further discloses the base lens has a collar [7], at least in sections thereof, formed to correspond substantially to a locating face [top of 9] formed on the support.

With respect to claim 19, Fujimoto discloses the optical module according to claim 10. Figs. 1 and 4 of Fujimoto further discloses the support is formed with a locating face [9], at least in sections thereof.

With respect to claim 20, Fujimoto discloses the optical module according to claim 19. Figs. 1 and 4 of Fujimoto further discloses the locating face [inside of 9] of the support is formed with a taper from the semiconductor element in a direction of an optical axis of the optical module.

With respect to claim 21, Fujimoto discloses the optical module according to claim 20. Figs. 1 and 4 of Fujimoto further discloses the taper is conical.

With respect to claim 22, Fujimoto discloses the optical module according to claim 10. Figs. 1 and 4 of Fujimoto further discloses an optical system comprising the optical module according to claim 10 [abstract].

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimoto in view of Kim et al. (US 2003/0048378 A1), hereinafter Kim.

With respect to claim 12, Fujimoto discloses the optical module according to claim 10. Fujimoto does not specify that the support is a ring collar. However, Fig. 7 of Kim discloses that it is well known for a support [11] to be a ring collar [abstract]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the support of Fujimoto to be a ring collar, such as taught by Kim in order for the lens unit to be fitted well around the support.

*Allowable Subject Matter*

Claims 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record taken either singly or in combination fails to anticipate or fairly suggest the limitations which the Applicant claims in claim 16 in a manner which would warrant a rejection under 35 U.S.C. § 102 or 35 U.S.C. § 103.

There was no prior art found by the examiner that suggested modification or combination with the cited prior art so as to satisfy the combination of the present dependent claim 16; especially, the prior art does not provide a lens holder supported by the circuit carrier substantially without being supported by the housing, as recited in claim 16, in combination with

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a base lens that is supported on and in direct contact with the support formed on the housing of the semiconductor element as recited in claim 10.

***Response to Arguments***

Applicant's arguments with respect to claim 10 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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***Telephone/Fax Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie P. Cruz whose telephone number is 571-272-8599. The examiner can normally be reached on Monday-Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisors, Sue A. Purvis can be reached on 571-272-1236. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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